

PATENT
Attorney Docket No.: 062587-5007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Michael Teifel <i>et al.</i>)	Confirmation No. 9429
)	
Application No. 10/575,779)	Group Art Unit: 1614
)	
Filing Date: April 14, 2006)	Examiner: Unassigned
)	
For: Method of Administering Cationic)	<u>Dated: June 25, 2007</u>
Liposomes Comprising and Active Drug)	

U.S. Patent and Trademark Office
Customer Service Window, **Mail Stop PCT**
Randolph Building
401 Dulany Street
Alexandria, VA 22314

**TRANSMITTAL FOR FILING RESPONSE TO NOTIFICATION OF MISSING
REQUIREMENTS UNDER 35 U.S.C. § 371 IN THE U.S. DESIGNATED/ELECTED OFFICE
(DO/EO/US)**

1. This paper is filed in response to the Notification of Missing Requirements dated December 29, 2006. A copy of the Notification of Missing Requirements is enclosed.
2. Fee Calculation(37 C.F.R. 1.16): \$65.00 (small entity)
3. Extension of Time: The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136(a) apply. Applicants petition for a four month extension of time from February 29, 2007 to June 29, 2007, the fee for which is **\$795.00** (small entity) as set out in 37 C.F.R. 1.17(a). If Applicants have inadvertently overlooked the need for an additional extension of time, please consider this a petition therefore. The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.
4. Fee Payment: The Commission is hereby authorized to charge **\$860.00** to Deposit Account 50-0310 (missing requirements surcharge \$65.00 and \$795.00 four month extension of time (small entity).
5. Additional Papers Submitted:
 - (i) Response to Notification of Missing Requirements
 - (ii) Copy of Notification of Missing Requirements
 - (iii) Executed Declaration and Power of Attorney, 12 pages
 - (iv) Declaration of Inventorship (PCT/R0/101, Declaration Sheet (iv)), 2 pages
6. Except for issue fees payable under 37 C.F.R. 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. 1.16 and 1.17 which may be required, or credit any overpayment to Deposit Account 50-0310.

Dated: **June 25, 2007**

Morgan, Lewis & Bockius LLP

Customer No. **09629**

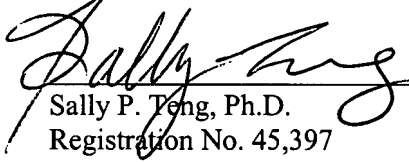
1111 Pennsylvania Avenue, N.W.

Washington, D.C. 20004

202-739-3000

Respectfully submitted,

Morgan, Lewis & Bockius LLP


Sally P. Teng, Ph.D.
Registration No. 45,397

06/28/2007 GFREY1 00000152 500310 10575779

01 FC:2617 65.00 DA
02 FC:2254 795.00 DA

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Michael Teifel <i>et al.</i>)	Confirmation No. 9429
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Application No. 10/575,779)	Group Art Unit: 1614
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Liposomes Comprising and Active Drug)	

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS
UNDER 35 U.S.C. § 371 IN THE U.S. DESIGNATED/ELECTED OFFICE (DO/EO/US)

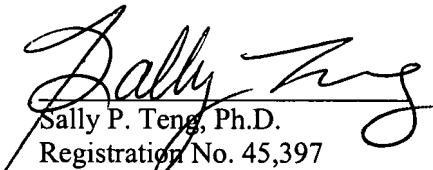
In response to the Notification of Missing Requirements requiring submission of oath or declaration executed by all inventors, Applicants submit the attached Declaration of Inventorship (PCT Rules 4.17(iv) and 51*bis*.1(a)(iv)) and the Combined Declaration for Patent Application and Power of Attorney executed by the inventors. The Declaration of Inventorship was executed during the international phase by all the inventors except for Kurt Naujoks. The Combined Declaration for Patent Application and Power of Attorney was executed by Kurt Naujoks after entry into U.S. national phase. Thus, the two declarations together include the signatures of all the inventors.

In response to the Notification requiring compliance with 37 C.F.R. §1.821, Applicants submit that this application does not contain sequences. Thus, 37 C.F.R. §1.821 is not applicable to this application.

If there are any additional fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. §1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Date: **June 25, 2007**
Customer No. 09629
Morgan, Lewis & Bockius LLP
1111 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
202-739-3000

Respectfully Submitted,
Morgan, Lewis & Bockius LLP


Sally P. Teng, Ph.D.
Registration No. 45,397



UNITED STATES PATENT AND TRADEMARK OFFICE

44 1614

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U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/575,779	Michael Teifel	062587-5007

INTERNATIONAL APPLICATION NO.

PCT/EP04/11655

9629

MORGAN LEWIS & BOCKIUS LLP

1111 PENNSYLVANIA AVENUE

WASHINGTON, DC 20004

Docketed 1/3/07 Attorney ECW/SPT

Case 62587-5007

Due Date Feb 28, 2007

Action Missing Requirement

By PSF

Chk

I.A. FILING DATE

10/15/2004

PRIORITY DATE

10/15/2003

CONFIRMATION NO. 9429

371 FORMALITIES LETTER



OC000000021789876

Date Mailed: 12/29/2006

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 04/14/2006
- Copy of the International Search Report filed on 04/14/2006
- Preliminary Amendments filed on 04/14/2006
- Information Disclosure Statements filed on 04/14/2006
- Oath or Declaration filed on 04/14/2006
- U.S. Basic National Fees filed on 04/14/2006
- Priority Documents filed on 04/14/2006
- Specification filed on 04/14/2006
- Claims filed on 04/14/2006
- Abstracts filed on 04/14/2006
- Drawings filed on 04/14/2006

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:

- is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.

■ not executed by all inventors

- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath

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or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$65** for a Small Entity:

- **\$65 Surcharge.**
- This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 CFR 1.821(c) Applicant must provide an initial paper or compact disc copy of the "Sequence Listing", **as well as an amendment specifically directing its entry into the application** and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- **For Rules Interpretation, call (571) 272-0951**
- **For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.**
- **Send e-mail correspondence for Patentin Software Program Help @ ebc@uspto.gov**

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.
<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

BARBARA A CAMPBELL

Telephone: (703) 308-9140 EXT 217

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/575,779	PCT/EP04/11655	062587-5007

FORM PCT/DO/EO/905 (371 Formalities Notice)